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RUEHLO/AMEMBASSY LONDON PRIORITY 5659
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1881
RUEHCI/AMCONSUL KOLKATA PRIORITY 3784
RUEKJCS/SECDEF WASHDC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2927
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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 001744

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SUBJECT: NEPAL: CA ELECTION UPDATE: 65 DAYS TO GO

Classified By: Classified By: Ambassador Nancy J. Powell. Reasons 1.4
(b/d).

Summary

1. (C) During the week of September 10, the Carter Center's observers, USAID partners IFES and the National Democratic Institute (NDI) and other Embassy contacts reported increased political party activity in the districts and more momentum at the center to hold the November 22 Constituent Assembly (CA) election. However, party leaders continue to spend the majority of their time negotiating among themselves versus campaigning. Public awareness remains low and many Nepalis still doubt that a November CA election date is possible. Security remains the Election Commission's (EC) biggest worry: unless the situation improves, the EC believes that the election could fail in as many as 50 percent of the constituencies. In spite of approaching deadlines for candidate registration and deployment of election officials, the final boundaries of the 240 first-past-the-post constituencies is still somewhat in question. The EC has now appointed 240 "returning officers" who will be responsible for overseeing the election in each of those constituencies. A number of these officers have already protested that they will be unable to fulfill their mandate in the current security climate. The Ministry of Finance has provided assurances to the EC that the Government of Nepal will meet its commitment to provide USD 23 million to fund the elections.

Political Parties Busy Trading Seats

2. (C) USAID partners IFES and NDI, as well as the Carter Center's long-term observers, report that the political parties have started to be more active outside of Kathmandu. IFES reports seeing more momentum inside the Nepali Congress party to move forward with the election. However, the expectation among party workers in the districts is that, although they may submit nominations, party leaders in the capital will pick the candidate list. This is the accepted procedure and, in practice, there is no meaningful mechanism at the grassroots level for people to have a voice. One of the Carter Center observers commented to Mission personnel September 11 that the political parties have no agenda and

are therefore tied to nothing. Meanwhile in Kathmandu, the horse-trading for parliamentary seats continues. IFES reports that the question remains of how many seats will be enough to keep the Maoists in the game. The Maoists continue to press their coalition partners with lists of demands while failing to engage in any actual campaigning. According to many Embassy contacts, given their seemingly diminished prospects of winning seats on their own accord, tradeoffs with the other political parties may be the Maoists' only hope. Yet, all of the political parties seem to be coming to the realization that a deal in a democratic system is difficult to strike.

Public Awareness Still Low

¶3. (C) At an informal briefing on September 11, three of the Carter Center's observers reported that public awareness of the November CA election remained very low and that, outside district capitals, only a few people, mostly women, knew about it. Many who were informed had learned about the CA election through the house-to-house voter registration exercise that took place in spring 2007. In areas where this type of registration did not take place, the awareness level was even lower. The Carter Center observers, as well as USAID partners IFES and NDI, emphasized that many people still doubt that a November Constituent Assembly election can be held. This is especially true in areas where a November election will be missed by the majority of the population. In some of the high mountain districts, over 60 percent of the population moves down to lower elevations for the winter (by early November) and many of the men travel to India to find work. In spite of the prevalent disbelief in the election, the Carter Center observers noted that in general

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people are eager to vote.

Voter Education - Enormous Task Ahead

¶4. (C) According to the Carter Center, a number of INGOs and NGOs are involved in voter education programs and training for domestic observers but the Center's observers have noticed little coordination among the organizations. Many of the same people are attending all of the trainings, limiting their effectiveness and slowing outreach. They consider the task ahead to be enormous. By the end of September USAID's Office of Transition Initiatives (OTI) will release a variety of voter education materials, including public service announcements for television and radio in multiple languages, poster and stickers which it has prepared with the Election Commission, which should help bridge the gap.

Security Remains Election Commission's Biggest Worry

¶5. (C) Security remains the Election Commission's (EC) biggest worry. IFES (please protect) reported that Chief Election Commissioner Pokhrel had confided that the election could fail in up to 50 percent of the constituencies, presumably to be completed in a round of by-elections. Security concerns were also echoed by the Carter Center observers who stated that the law-and-order situation in most of the country was poor with abductions and killings taking place in almost every district and psychological fear remaining in much of the countryside. The Carter Center observers reported that most of the violence could be attributed to the Maoists, but in the Terai the Madhesi People's Rights Forum (MPRF) was also a big player. The Carter Center also reported hearing about plans by various parties to capture polling stations. This strategy involves rumors of violence and threats of physical violence tactically spread to prevent targeted groups from attempting to reach the polling stations. In addition problems with the police remain unsolved. With the ongoing politicization of

the security forces and the absence of a clear mandate the police continue to lie low. This situation is further exacerbated in the Madhesi-dominated Terai where many people do not trust the largely "Pahadi" ("hilly") police force and the conflict has become more centered around ethnic boundaries. One of the observers noted that it will ultimately be up to the political parties to create an atmosphere of security and that the number of additional police deployed will in reality be irrelevant.

PM Still Holding Onto the Final Delimitation Report

16. (C) The EC forwarded the final delimitation report to the Prime Minister on August 27. Yet, to date the report remains unpublished. (Note: Prime Minister Koirala told the Ambassador on September 13 that the report had been sent to the EC for gazetting. End Note.) As the report establishes the boundaries of the 240 constituencies its release is both urgent and potentially controversial. It is unclear whether any of the political parties have seen the report and if they have, they have chosen to remain silent on the subject. The Secretary of EC, Sushil Bahadur Rana, told Emboff September

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17 that he had yet to see the report published in the official gazette, but added that the boundaries of the constituencies were listed on the Commission's website broken down by village development committee -- and Emboff subsequently confirmed.

Election Commission Appoints Returning Officers

17. (C) IFES reported that the election commission had appointed the 240 "returning officers" who would oversee the election in each of the 240 first-past-the-post constituencies. IFES emphasized the power of the returning officers; they essentially become a one-person commission in their respective constituency. The deployment of the officers is scheduled to begin on September 18 and all the officers must be in place before the candidate names are

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announced as they are responsible for taking the names and approving them. In spite of the urgency the EC cannot move forward with their deployment until the final delimitation report is released establishing the constituency boundaries. Moreover, a number of the newly appointed returning officers claim that, given the current security climate, it will be impossible for them to fulfill their mandate. Most of the returning officers are Pahadi and may have good cause to fear for their personal safety in Madhesi-dominated areas. The EC and the security forces will have difficulty guaranteeing the safety of all these officers.

Domestic Observers

18. (C) IFES reported that the EC expressed concern about the number of domestic observer groups and the prospect of over 100,000 domestic observers. IFES, NDI and other embassy contacts have reported that there is little coordination among the domestic observer groups and that it will be difficult to keep the groups neutral. Three of the major groups are already associated with a single political party.

Both Ballots and Funding Moving Forward

19. (C) The Ministry of Finance reported it has the funds available to cover the GON's commitment to provided USD 23 million for election expenses - excluding election security costs, which are significant. It is expected that the government contribution will be expended through the Peace Trust Fund. IFES reports that the EC budget, if it exists,

and the GON funding plan remain obscure. In addition, the necessary funding for election security remains unaddressed. IFES also reported concerns about the lack of attention the EC is paying to election logistics. For example, although printing must begin in less than 3 weeks, the ballot design is still not complete and does not yet contain any security provisions to prevent unauthorized duplication. Although the EC has refused to request assistance, it has now agreed that should IFES have an expert available it would be open to assistance.

Comment

¶10. (C) With just over two months to go until the scheduled November 22 Constituent Assembly election, the political parties have yet to demonstrate the sort of seriousness of purpose one would have expected by now. Indian Foreign Secretary Menon told the Ambassador September 15 that he was

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delivering a strong message to all the parties, including Congress and the Maoists, that New Delhi expected the election to take place. In an interview published September 17 in Nepal's leading daily newspaper, Kantipur, the Ambassador made it clear that the United States also expected the CA election to occur as scheduled. Post's assessment is that the Nepali Congress is leaning more and more in favor of an election. That leaves the Maoists as the biggest question mark. According to the Carter Center's senior advisor Peter Burleigh, on September 16 senior Maoist leader Dr. Baburam Bhattarai described the Maoists as being in a quagmire and rated the chances of an election as 60 - 40 -- against.

POWELL